IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6728 of 2005

Between:

Nallabolu Manikyam Reddy, S/o. Late Sri Yadi Reddy,
R/o. Torroor Village, Hayathnagar Mandal,
Ranga Reddy District.

..... PETITIONER

AND

The Mandal Revenue Officer, Hayathnagar Mandal, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in refusing to give certified copies of Pahanis vide Memo bearing No. F/281/2005 dated 22-3-2005 as illegal, contrary of Law and amounts breach of statutory duty under section 7 of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971, and further direct the Respondent to issue certified copies of Pahanis as required by the petitioner as per his application dated 28-2-2005 .

Counsel for the Petitioner: MR.M.V.DURGA PRASAD

Counsel for the Respondent: GP FOR REVENUE

This Court at the admission stage made the following :

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O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondent.

The petitioner seeks a writ of Mandamus declaring the action of the respondent in refusing to give certified copies of Pahanis vide Memo dated 22-03-2005 as arbitrary and illegal.

A perusal of the said memo shows that the request of the petitioner for certified copies of the Pahanis-in-question was rejected only on the ground that the survey No.38/2 was recorded as Government land.

It is noted that as per Section 7of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, the record of rights shall be open to the inspection of the public at reasonable hours free of any charge and certified copies thereof or certified extracts therefrom shall be given to all persons applying for the same on payment of such fees as may be prescribed. Under Rule 25 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 (hereinafter referred to as 'the Rules'), the fees payable has been prescribed.

In the case on hand, the petitioner states that he has made an application complying with the requirements of Rule 25 of the Rules.

If that be so, the respondent is not justified in rejecting the request of the petitioner merely on the ground that the Survey No.38/2 was recorded as Government land. No other statutory provision is brought to my notice which disentites the petitioner to obtain the certified copy of the pahani in respect of the Government land. Hence, the objection raised in the impugned memo is untenable. The impugned memo dated 22-03-2005 is accordingly set aside and the writ petition is disposed of with a direction to the respondent to reconsider the request of the petitioner and furnish the certified copy as sought by him provided the application made by him is in order and the requisite fees is paid, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. No costs.

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(**G. ROHINI, J**)

Date: 06-04-2005

Note: Issue CC in two days.

B/o

ghn

To

1. The Mandal Revenue Officer, Hayathnagar Mandal, Ranga Reddy District.
2. Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)
3. Two CD copies.